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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,419	06/25/2007	Paul Stanley Brison	154/1	8579

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EXAMINER	
ALEMU, EPHREM	
ART UNIT	PAPER NUMBER
2821	

NOTIFICATION DATE	DELIVERY MODE
03/03/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/599,419	BRISON, PAUL STANLEY	
	Examiner	Art Unit	
	Ephrem Alemu	2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 December 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) *16-31* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15 and 32-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 September 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *01/16/2007; 09/04/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 11/04/2008 and 05/03/2010 has been considered by the examiner.

Specification

2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Election/Restrictions

3. Applicant's election of 1-15 and 32-40 in the reply filed on 12/06/2010 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

4. Claims 16-39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

The restriction requirement is deemed proper and is therefore made **FINAL**.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims **1-3, 9-14, 32-34** and **37-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pasternak (6,990,394) in view of Andersen (US 6,731,079).

Re claims 1 and 12, Pasternak discloses a power controller including: a casing (i.e., light fixture 140); a control unit disposed within the casing being configurable to any of a plurality of modes of operation (i.e., on/off/dim/brighten/flash) to control power delivery to a light (lamp 32) and being responsive to a stimulus (i.e., any one of signals received from photosensor, motion sensor or switch) to configure to a selected mode of operation (i.e., on/off/dim/brighten/flash) determined by the stimulus, the control unit being arranged to receive control signals wirelessly conveyed thereto from outside the casing (i.e., from remote controller 143 or any one of signals received from photosensor, motion sensor different than the above stimulus signal) and to control the power delivery according to the control signals wherein the response of the control unit to control signals differs according to the mode of operation determined by the stimulus in which the control unit is configurable to a mode of operation in which it is responsive to said control signals to change the amount of electrical power delivered to the light in use to controllably vary the radiant output of the light (Col. 3, lines 53-67). Andersen further discloses a temperature for determining the operation of the lamp beyond the predetermined range and to alarm and/or control the light accordingly (Col. 15, lines 13-39).

Although, Pasternak discloses the control unit being responsive to the stimulus (i.e., signals received from photosensor, motion sensor or switch) to configure to a selected mode of operation (i.e., on/off/dim/brighten/flash) determined by the stimulus

Pasternak does not mention the stimulus being wirelessly conveyed thereto from outside the casing.

Andersen discloses a casing (i.e., module 60 or fixture-module 62) including control unit disposed within the casing and the control unit being responsive to a stimulus wirelessly conveyed thereto from outside the casing (i.e., wireless signals received by photosensor 66 or IR transceiver 82) to configure to a selected mode of operation determined by the stimulus (Col. 5, lines 15-25 & 38-42) for at least for at least controlling power provided to the light based on the stimulus signal received externally from the casing.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the casing of Pasternak power controller so that photosensor, motion sensor and/or switch to be included within the casing for at least receiving wirelessly conveyed control signals for controlling power provided to the light based on wirelessly received stimulus as taught by Anderson.

Re claim 2, Pasternak further discloses the control unit is responsive to the stimulus to configure to an activated mode in which it is responsive to the control signals to controllably deliver power to the light from a deactivated mode in which it does not deliver power to the light, and vice versa (Col. 4, lines 1-8, "…to operate the lamp in response to weather there is motion detected….").

Re claim 3, Pasternak further discloses a remote unit (i.e., remote controller 122, 143) outside the casing and operable to wirelessly transmit the control signals to the control unit (144), in which the control unit is responsive to the stimulus to configure to a programming mode in which it is responsive to the control signals to be programmed

thereby to respond in a predetermined way to a predetermined operation of the remote unit (Fig. 4; Col. 3, lines 58-64, "…selectively operates the lamp 142 in response to signal received not only from the remote controller…. ….may operate independent, dependent, or combination modes of operation).

Re claim 9, Anderson discloses the casing (module) being installed at outdoor (Col. 5, lines 16-18). Thus the control unit of Pasternak modified by Andersen power controller being encased in a substantially watertight weather-proof casing would have been deemed to be obvious for at least protecting the components of the power controller from the outdoor environment.

Re claims 10 and 11, the casing of Pasternak modified by Andersen power controller being transparent and the control signals being conveyed using any of: Infra-red (IR) light; microwaves; radio waves would have been deemed to be obvious for at least allowing communication between the infrared (IR) transceiver and remote controller as taught by Anderson (see Anderson, Col. 5, lines 38-42).

Re claim 13, Anderson further discloses the control unit including a photo-sensor means within the casing for determining the level of ambient illumination outside the casing, and for configuring the control unit to a mode of operation according to the ambient illumination level so determined (Col. 5, lines 16-25).

Re claim 14, Anderson further discloses a power source connector means (i.e., fixture 20) arranged to connect to the power source from which the light receives power in use such that the power from the power source passes through the power controller before reaching the light, wherein the power controller is arranged to control the delivery of power from the power source to the light (Figs. 3, 4).

Re claims 32-34 and 37-40, Pasternak modified by Andersen further modified by Goff power controller discloses the power controller structural limitation as discussed above.

It has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. Ex parte Pfeiffer, 1962 C.D. 408 (1961). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide required methods of controlling power delivery to a light as claimed in claims 32-34 and 37-40.

7. Claims **4-8, 35** and **36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pasternak (6,990,394) in view of Andersen (US 6,731,079), as applied to claims 1 and 32 above, and further in view of Goff (US 5,869,934).

Re claim 4, Pasternak modified by Andersen discloses the power controller as discussed above.

Pasternak or Andersen does not disclose the control unit includes a magnetic detector means and the stimulus is a magnetic field strength in response to which the magnetic detector means is operable to generate a configure signal, wherein the control unit is responsive to the configure signal to configure to a mode of operation determined by the configure signal.

Goff discloses a magnetic detector means (i.e., reed switch 41) operable to generate a configure signal to a control unit (46) in response to a magnetic field strength stimulus received from a magnet (29), wherein the control unit being responsive to the configure signal to configure to a mode of operation of a light (15) determined by the

configure signal generated by the magnetic detector means (Figs. 1, 5, Col. 3, lines 18-48).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Pasternak modified by Anderson power controller to include a magnetic detector means as taught by Goff for the control unit for being responsive to a configure signal to configure to a mode of operation determined by the configure signal generated by the magnetic detector means for at least controlling the mode of operation of a light as taught by Goff.

Re claim 5, Pasternak modified by Andersen further modified by Goff power controller including a stimulus means remote from the control unit and outside said casing and including a magnetic field means for providing a magnetic field of sufficient strength to be remotely detectable by the magnetic detector deemed to be obvious since for the control unit for being responsive to the configure signal to configure to a mode of operation determined by the configure signal generated by the magnetic detector means responsive to the magnetic field strength stimulus for at least controlling the mode of operation of a light as taught by Goff.

Re claim 6, the control unit of Pasternak modified by Andersen further modified by Goff power controller being configurable to a selected mode of operation according to any of: the duration of a given configure signal; the number of a succession of configure signals; the rate of receipt of successive configure signals thereby; the magnitude of a given configure signal would have been deemed to be obvious for at least controlling the mode of operation of a light as taught by Goff.

Re claim 7, Goff further discloses the magnetic field means being a permanent magnet (29) (Fig. 9; Col. 5, line 3).

Re claim 8, Goff further discloses the magnetic detector means includes a sensor means including any of: a reed switch; a Hall-Effect switch, a magnetic relay switch; an inductor coil, and the magnetic detector is responsive to said stimulus using the sensor means (Fig. 9; Col. 5, line 21).

Re claims 35 and 36, Pasternak modified by Andersen further modified by Goff power controller discloses the power controller structural limitation as discussed above.

It has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. Ex parte Pfeiffer, 1962 C.D. 408 (1961). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide required methods of controlling power delivery to a light as claimed in claims 35 and 36.

8. Claim **15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Pasternak (6,990,394) in view of Andersen (US 6,731,079), as applied to claim 15 above, and further in view of Denes (US 2003/0184242).

Re claim 15, Pasternak modified by Andersen discloses the power controller as discussed above.

Pasternak or Andersen further discloses does not show the casing including a plurality of prongs extending outwardly thereof and shaped to be intimately received within a reciprocally shaped socket means of the power source connector means such that the casing is detachably attachable to the power source connector means therewith, the

prongs being operably connected to the control unit to convey power from the power source to the light via the control unit when the casing is attached to the power source connector means in use.

Denes discloses a casing (11) including male socket (13) to be intimately received within a reciprocally shaped socket means 20 of a power source connector means such that the casing being detachably attachable to the power source connector means therewith, the male socket being operably connected to a control unit (18) to convey power from the power source to the light via the control unit when the casing is attached to the power source connector means in use. Further, Denes teaches the sockets may be of any suitable type other than threaded (Figs. 1, 2, 4, 5; paragraphs [0072] to [0074]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the casing of Pasternak modified by Anderson power controller by providing prongs extending outwardly thereof and shaped to be intimately received within a reciprocally shaped socket means of the power source connector means as taught by Denes for housing the components of the power controller for at least controlling power delivery to a light.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Morrisey et al. (US 6,452,339); Williams et al. (US 6,370,489); and Janning (US 3,479,561); also teach similar inventive subject matter.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ephrem Alemu whose telephone number is (571) 272-1818. The examiner can normally be reached on M-F 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacob Y Choi can be reached on (571) 272-2367. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EA
2/28/2011

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